



**HAZARDOUS WASTE MANAGEMENT COMMISSION
MEETING**

APRIL 8, 2004

**ST. LOUIS REGIONAL OFFICE
7545 S. LINDBERGH BLVD.
ST. LOUIS, MO 63125**

COMMISSIONERS PRESENT

Ben Kessler, Chairman
Patrick Gleason, Vice Chairman
Norella Huggins
Tim Warren
Susan Williamson
Robert Saunders

CALL TO ORDER

Chairman Kessler called the meeting to order at 9:00 a.m.

EXECUTIVE SESSION

Motion to go into closed session was made by Commissioner Warren and seconded by Commissioner Williamson. The roll call vote was as follows:

Patrick Gleason	Yes
Norella Huggins	Yes
Tim Warren	Yes
Susan Williamson	Yes
Robert Saunders	Yes
Ben Kessler	Yes

Motion carried and the meeting was closed to the public.

GENERAL SESSION

Motion was made by Commissioner Gleason and seconded by Commissioner Huggins to return to General Session. The result of the vote is as follows:

Patrick Gleason	Yes
Norella Huggins	Yes
Tim Warren	Yes
Susan Williamson	Yes

Robert Saunders	Yes
Ben Kessler	Yes

Motion was carried and the General Session was resumed.

APPROVAL OF MINUTES

Motion was made by Commissioner Gleason and seconded by Commissioner Williamson to approve the minutes of the February 4, 2004, meeting as presented.

MONTHLY REPORTS

Ed Galbraith, Director, Hazardous Waste Program (HWP) updated the Commission of the format changes to the Monthly Report, which include one page at a glance reports. Commissioner Huggins suggested a one page narrative be included, which would explain the report as a whole. Commissioner Huggins asked if the Brownfields/Voluntary Cleanup Program section could continue to include the sites that had been withdrawn, thus continuing to make the totals reported, higher. Mr. Galbraith agreed to include the withdrawn sites in the report.

CHAIRMAN AND VICE-CHAIRMAN ELECTION

Chairman Kessler called for nominations for the Hazardous Waste Management Commission (HWMC) Chairman and Vice-Chairman. Commissioner Huggins nominated Commissioner Patrick Gleason as the next HWMC Chairman. She explained that even though Chairman Kessler has done a good job over the past years, as a principle of good government and fairness, she thought the Chair should be rotated, giving every Commissioner a fair chance to participate. Chairman Kessler called for a second. The nomination was not seconded. Therefore, the floor opened the reopened the vote.

Chairman Kessler called for more nominations. Commissioner Huggins re-nominated Commissioner Patrick Gleason as the next HWMC Chairman. Chairman Kessler called for a second.

Commissioner Williamson nominated Chairman Ben Kessler as the next HWMC Chairman. Chairman Kessler called for a second. Commissioner Warren seconded both nominations. A paper vote was taken among the Commissioners. The vote was a tie; three votes for Chairman Kessler and three votes for Commissioner Gleason.

Commissioner Huggins asked Chairman Kessler if it was true that he wanted to serve one more year and Chairman Kessler answered yes. Commissioner Huggins suggested that if the Commission believes it is good policy to rotate, then the Commission could elect Chairman Kessler for one more year, since Chairman Kessler had indicated that it would be the end of his tenure. She also informed the Commission that in the next year the Commission Core Workgroup would be passing policies onto the Commissions requesting the rotation of the terms of Commission Chairs.

Shelley Woods, AGO, informed the Commission that the nominations were open again because of the tie vote. Commissioner Huggins nominated Chairman Ben Kessler as the next HWMC Chairman with the understanding that this would be Chairman Kessler's last year served as the HWMC Chairman. Commissioner Williamson seconded the nomination. Motion carried.

Motion was made by Commissioner Saunders and seconded by Commissioner Williamson to elect Commissioner Patrick Gleason as the Vice-Chairman of the HWMC. Motion carried.

INTEGRATION OF THE DEPARTMENTS ELECTRONIC REPORTING AND DATA COLLECTION FROM REGULATORS

James Werner, Director, Air and Land Protection Division (ALPD) updated the Commission on information management involving the integration of the department's electronic reporting and data collection for regulators. Mr. Werner explained how expedient information management is to increasing productivity on a department wide level. He said there have been technical and management breakthroughs allowing individual programs to continue maintaining their own information systems, and also creating a way to electronically combine these individual systems. Mr. Werner distributed handouts to the Commissioners showing and explaining the Common, Integration and Program areas of information being considered.

Mr. Werner introduced the Facility Identification Tracking System (FITS) adopted by the Environmental Protection Agency (EPA). He pointed out the necessity of the successful implementation of a departmental electronic translation with EPA and the possible increase in Performance Partnership Grant money.

Mr. Werner gave an update on electronic information and tracking being used by the Air and Water Programs with the Regulated Community, pointing out that such a system does not exist yet in the HWP. He explained that the HWP has more elements to be considered than the Air and Water Programs, making it more complex to establish an electronic information and tracking system.

Mr. Werner answered questions from the Commissioners regarding departmental electronic information and tracking systems. He explained the usefulness of a Personal Digital Assistance (PDA) that is sometimes used, but not on a wide scale, by field staff for on site reporting. He pointed out that though the PDAs are being under utilized because of budge issues, they are still a good example of electronic information and tracking improvement by the state.

Mr. Werner answered questions regarding the budget issue of state job vacancies and presented and overall budget update to the Commission.

ANALYSIS OF PROMULGATION AND IMPLEMENTATION OF PROPOSED RISK-BASED CORRECTIVE ACTION RULE

Ed Galbraith, Director, HWP, updated the Commission of the progress being made on the analysis of the promulgation and implementation of the Proposed Risk-Based Corrective Action Rule. He told them that finalization of the document is contingent upon the outcome of the promulgation of the Tanks Risk-Based Corrective Action (Senate Bill 901) and a Commission appeal process that the stakeholders would agree to.

PM RESOURCE VARIANCE PETITION

Darleen Groner, HWP, presented a brief history of the PM Resource Site and asked the Commission to consider a proposed motion for a variance request. The Public Comment Period of this Variance ended April 7, 2004. In an effort not to exclude any Public Comments postmarked by the April 7, 2004, deadline, but not received, the Commission was asked not to consider the variance at this April 8, 2004, meeting. A Telephone Conference Call Open Meeting was scheduled for April 14, 2004, for the Commission to consider Public Comments and cast their "call in" votes at that time.

Ms. Groner answered questions regarding the PM Resource Variance Petition and Louis Dell'Orco, an affiliate of the PM Resource Facility, gave a financial briefing on the facility.

[A ten-minute break was taken at this time.]

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS (CESQG)

Darleen Groner, HWP, briefed the Commission on CESQG informing them of a proposal to form a workgroup to establish regulations for the promotion of CESQG collection facilities. Ms. Groner answered questions the Commissioners had regarding CESQG and Ed Galbraith, Director, HWP explained how the CESQG will help small businesses that can't take their waste to landfills. Mike Duvall, Director, St. Charles County Government, introduced the Commission to the operations, goals and ambitions of the St. Charles County Government's Environmental Services Division and their desire to be a part of the workgroup in establishing regulations for the promotion of CESQG collection facilities.

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) RULEMAKING AND AUTHORIZATION

Rob Morrison, HWP, briefed the Commission and answered questions the Commissioners had regarding the RCRA Rulemaking and Authorization. He explained that the state of Missouri has not adopted any of the RCRA federal rules since the July 1, 2000 promogation date, but is considering the adoption of several federal mixed waste rules since that date. Mr. Morrison explained some of the individual rules being considered for adoption and related issues. He also explained the Missouri adopted Hazardous Waste Identification and Remediation Media Rule, (HWIR) and how it works in reference to treatment approval and authorization of "on-site" contaminated media.

TANKS PROPOSED RISK-BASED CORRECTIVE ACTION RULE

Ed Galbraith, Director, HWP, updated the Commission on the Tanks Proposed Risk-Based Corrective Action Guidance. He notified the Commission that a copy of this guidance could be found online. Kevin Perry, Regform, informed the Commission of April and May training regarding Tanks Risk-Based Corrective Action Cleanup.

GENERATOR FEE RATE UPDATE

Ed Galbraith, Director, HWP, asked the Commission's support for the publishing of an addition notice regarding the \$1.00 per ton hazardous waste fee. Later in the meeting, at the advice of Shelley Woods, Attorney General's Office, a voice vote was taken whether or not to support the publishing of the addition notice.

Commissioner Gleason made the motion to support the publishing of an addition notice regarding the \$1.00 per ton hazardous waste fee with the exception that the word "ten" be changed to "ton" in the notice. Commissioner Warren seconded the motion. Motion carried.

COMMISSION CORE WORK GROUP

Commissioner Huggins answered questions and updated the Commission on progress being made by the Commission Core Work Group regarding the approval of:

- biannual meetings for commission updated training policies and stakeholder issues of interest;

- adoption of individual program hearing appeal procedural rules for the Administrative Hearing Commission to follow; and
- adoption of the Operation Policy Manual to be crafted to each Commission's own requirements.

LEGISLATIVE ISSUES

Ed Galbraith, Director, HWP, presented a brief update and current status on the recent legislative events involving the Hazardous Waste Fee Bill and the Hazardous Waste Tanks Bill. Commissioner Huggins commented on the importance of the Tanks Bill's transfer of authority from the Water Commission to the Hazardous Waste Commission.

BUDGET ISSUES

Layne Washburn, HWP, briefed the Commission on a projected shortfall in the Hazardous Waste Program's budget. She pointed out the short term and long term projections of the shortfall indicating that both would leave the Program with large deficits. Ed Galbraith, Director, HWP, answered budget questions from the Commission.

PUBLIC COMMENTS

Mike Alesandrini, Director, Environmental Affairs St. Louis Regional Chamber and Growth Association, (RCGA) informed the Commission of a RCGA/Regform co-sponsored Risk-Based Corrective Action trainings, May 3, 2004, St. Louis, MO. and May 7, 2004, in Kansas City, Missouri and Springfield, Missouri.

OTHER BUSINESS

Ed Galbraith, Director, HWP, asked the Commission if they approved the posting of minutes on the website. The Commission decided to post draft minutes with a notification saying "not approved, subject to change at next Commission meeting. They also decided to keep up to one year of Commission Minutes online for public viewing. Each Commissioner was asked to check over the Website Information Permission Slip they had been given in their packets for their approval and signature.

FUTURE MEETINGS

Ed Galbraith, Director, HWP, explained that the Kansas City Meeting is dependant upon the Kansas City Chamber of Commerce's Plans.

Mr. Galbraith also referred the Commission to the DERT Fund Tentative Rulemaking Schedule handout, that had been given to the Commissioners. He explained the timeline procedure of the public comments period and the actual notification or posting of the rulemaking with the intention of having the Rulemaking Hearing during the June 16, 2004 Commission Meeting, rather than waiting for the August 3, 2004, Commission Meeting.

ADJOURNMENT

The meeting was adjourned.

Respectfully Submitted

Robbin Stout
Commission Secretary

APPROVED

Ben Kessler, Chairman

Date: _____